

PATENT
U.S. Patent Application Serial No. 09/768,069
Attorney Docket No. RIC00025

REMARKS

In the non-Final Office Action of December 8, 2004, the Examiner rejected claims 14, 15, 18 and 19 under 35 U.S.C. §102(e) as allegedly being anticipated by Medhat et al. (US Patent No. 6,314,103); rejected claims 16 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over Medhat in view of Malek et al. (U.S. Patent No. 6,253,207); rejected claim 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Medhat in view of Poretsky (U.S. Patent No. 6,141,322); and rejected claim 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Medhat in view of Elliott et al. (U.S. Patent No. 6,614,781).

Claims 1-21 and 23 are pending.

Applicant notes with appreciation that claims 1-13 and 23 have been indicated as containing allowable subject matter.

35 U.S.C. §102 Rejections

Claims 14, 15, 18 and 19 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Medhat. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. §102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. §2131. Medhat does not disclose or suggest at least one feature recited in claims 14, 15, 18 and 19.

For example, independent claim 14 is directed to a method for providing a point-to-multipoint service to control point-to-multipoint connections using an intelligent

network and a switched virtual circuit over an ATM network. The method includes receiving a request from a calling party to establish a point-to-multipoint connection; determining if the calling party is authorized to make point-to-multipoint connections; rejecting the request if the calling party is not authorized to establish point-to-multipoint connections; analyzing the request to determine if a bandwidth requested for the point-to-multipoint connection is within authorized bandwidth limits; and rejecting the request if the bandwidth requested is not within authorized bandwidth limits. Medhat does not disclose or suggest at least one of these features.

For example, Medhat does not disclose or suggest receiving a request from a calling party to establish a point-to-multipoint connection, as required by claim 14. The Examiner alleges that Medhat teaches receiving a request from a calling party to establish a point-to-multipoint connection (Office Action, page 2) and relies on col. 8, lines 30-41 and Figure 3 for allegedly disclosing the above feature of claim 14. Applicant submits that these sections of Medhat do not disclose or suggest the above feature of claim 14.

Medhat, at column 8, lines 30-41 discloses:

Call admission control (CAC) determines at call setup whether to grant or to refuse a connection. If sufficient resources are available to connect a call, and if the call assignment for a connection does not affect QoS of the existing call connections, then the connection is granted. When multiple connections are required to setup a call, CAC separately checks each VP/VC and VPG for the call. CAC may receive operations, administration, and maintenance (OAM) information and process the OAM information to determine connection availability and to determine service and resource allocation and control.

This section of Medhat discloses that multiple connections may be required to setup a call and that the CAC grants a connection if sufficient network resources are available. The

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Examiner appears to equate multiple connections for a call with a point-to-multipoint call, and the Examiner appears to further equate the operation of the CAC with a calling party request. Applicant disagrees with the Examiner's interpretation of this section of Medhat. Applicant finds nothing in Medhat disclosing or suggesting the call is from one point to multiple-points or that a calling party has made a request for a point-to-multipoint connection. For at least the foregoing reasons, Medhat does not disclose or suggest receiving a request from a calling party to establish a point-to-multipoint connection, as required by claim 14.

The Examiner also relies on Figure 3 for teaching receiving a request from a calling party to establish a point-to-multipoint connection (Office Action, page 2). Figure 3 discloses a bandwidth management platform that is used for bandwidth allocation and management (see the discussion of Figure 3 at col. 17, lines 43-45). Nothing in Medhat's description of Figure 3 indicates that a point-to-multipoint communication session is being established between devices 202, 210, and 218 (col. 17, line 43 to col. 18, line 58). Applicant respectfully requests that the Examiner identify the portion of Medhat disclosing point-to-multipoint communication in conjunction with Figure 3 or withdraw the rejection.

The Examiner further alleges that col. 8, lines 30-41 of Medhat disclose determining if the calling party is authorized to make point-to-multipoint connections (Office Action, page 3). This section of Medhat does not disclose or suggest determining if a calling party is authorized to make point-to-multipoint connections. This portion of Medhat discloses that connections are made based on the availability of sufficient

network resources. Contrary to the Examiner's interpretation, this section of Medhat does not disclose or suggest that connections are made based on the calling party. In fact, this portion of Medhat contains no disclosure regarding determining if a calling party is authorized to make connections of any type. For at least the foregoing reasons, Medhat does not disclose or suggest determining if the calling party is authorized to make point-to-multipoint connections, as required by claim 14.

The Examiner relies on col. 12, line 51 to col. 13, line 6, of Medhat, for disclosing rejecting the request if the calling party is not authorized to establish point-to-multipoint connections. This portion of Medhat also does not teach as the Examiner alleges.

Medhat, at col.12, line 51 to col. 13, line 6 recites:

This process is repeated for each of the series of calls until connections for all of the calls are made. When the level of bandwidth use for a VP within the VPG connection 124 reaches the level of under-allocation, bandwidth is pulled from other provisioned VPG connections, such as the VCs in the provisioned path from the second ATM device 134 to the first ATM device 128 through the VPG connections 126 and 132, to connect the calls. This bandwidth is used by the VPs in the VPG connection 124 which have been provisioned to the first ATM device 128.

Because the second ATM device 134 is not consuming any VCs in either of the VPG connections 122 and 130 or 126 and 132, and because the VPs available to the VPG connections 120 and 124 were under-allocated, thereby leaving buffer space in the cross connect 108 available for use by other VPGs with VPs, all of the connections are able to be made for all of the calls transported by the communication device 106. The above process would not have been possible in a critically allocated system without under-allocation where the critically allocated system has VPGs configured for 1000 VCs, and the call requiring the 1001th VC would have been rejected.

This section of Medhat discloses a bandwidth allocation mechanism that operates by pulling bandwidth from other VPG connections in situations where there is under-allocation associated with a particular VPG. This section of Medhat further discloses that

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the bandwidth allocation scheme described above remedies a problem associated with a critically allocated system configured for 1000 VC's when a call requires the 1001th VC. This section of Medhat does not disclose or suggest using authorizations associated with calling parties. Moreover, this section of Medhat does not disclose or suggest rejecting the request if the calling party is not authorized to establish point-to-multipoint connections, as required by claim 14. For at least the foregoing reasons, Medhat does not disclose or suggest this feature of claim 14.

As discussed above, Medhat does not disclose or suggest every feature of claim 14. For example, Medhat does not disclose or suggest receiving a request from a calling party to establish a point-to-multipoint connection, determining if the calling party is authorized to make point-to-multipoint connections, or rejecting the request if the calling party is not authorized to establish point-to-multipoint connections, as required by claim 14. Applicant respectfully requests that the rejection of claim 14 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Claims 15, 18 and 19 depend from claim 14 and are not anticipated by Medhat for at least the reasons given above with respect to claim 14. Claims 15, 18 and 19 recite additional features not disclosed or suggested by Medhat. For example, claim 15 recites allowing the point-to-multipoint connection to be established if the calling party is authorized to make point-to-multipoint connections and the bandwidth requested is within authorized bandwidth limits. Medhat does not disclose this feature of claim 15.

The Examiner relies on col. 10, lines 13-24 of Medhat for disclosing allowing the point-to-multipoint connection to be established if the calling party is authorized to make

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point-to-multipoint connections and the bandwidth requested is within authorized bandwidth limits. Applicant disagrees with the Examiner's characterization of Medhat with respect to the feature of claim 15.

Medhat, at col. 10, lines 13-24 recites:

The VCs differentiate individual calls on a VP in a VPG between the interworking unit 112 and the cross connect 108 or the ATM devices 128 and 134, and they identify, for example, the destination of the call. For example, VP/VC "A" for a VPG may be provisioned from the interworking unit 112, through the cross connect 108, and "destined" for another interworking unit connected to the first ATM device 128 over the connections 120 and 124. VP/VC "B" for the VPG may be provisioned from the interworking unit 112, through the cross connect 108, and "destined" for another interworking unit connected to the second ATM device 134 over the connections 122 and 130. An example of an ATM cross connect is the NEC Model 20.

This section of Medhat discloses a technique for differentiating individual calls on a virtual path (VP) using cross connects between interworking units. Contrary to the Examiner's interpretation, this section of Medhat does not disclose or suggest allowing the point-to-multipoint connection to be established if the calling party is authorized to make point-to-multipoint connections and the bandwidth requested is within authorized bandwidth limits. For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 15 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Medhat also fails to disclose the features of dependent claims 18 and 19. Applicant requests that the rejections of claims 18 and 19 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

35 U.S.C. §103 Rejections

The Examiner rejects claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Medhat in view of Malek. Applicant respectfully traverses this rejection.

Claims 16 and 17 depend from claim 14. The disclosure of Malek does not remedy the deficiencies in the disclosure of Medhat as set forth above with respect to claim 14. Therefore claims 16 and 17 are patentable over Medhat and Malek, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Applicant respectfully requests that the rejection of claims 16 and 17 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

The Examiner rejects claim 20 under 35 U.S.C. §103(a) as being unpatentable over Medhat in view of Poretsky. Applicant respectfully traverses this rejection.

Claim 20 depends from claim 14. The disclosure of Poretsky does not remedy the deficiencies in the disclosure of Medhat as set forth above with respect to claim 14. Therefore claim 20 is patentable over Medhat and Poretsky, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Applicant respectfully requests that the rejection of claim 20 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

The Examiner rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over Medhat in view of Elliott. Applicant respectfully traverses this rejection.

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Claim 21 depends from claim 14. The disclosure of Elliott does not remedy the deficiencies in the disclosure of Medhat as set forth above with respect to claim 14. Therefore claim 21 is patentable over Medhat and Elliott, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Applicant respectfully requests that the rejection of claim 21 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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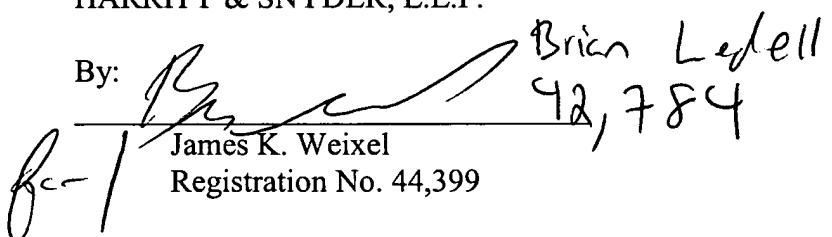
Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: February 28, 2005

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